

REPORT

Of the Committee of Claims, on the petition of major John Whistler.

FEBRUARY 6, 1818.

Read and committed to a committee of the whole House on Monday next.

The Committee of Claims, to whom was referred the petition of John Whistler, late of the United States' army,

REPORT:

The petitioner states that in 1813, he was ordered by general Harrison to relieve colonel John Miller, of the 17th regiment infantry, and to superintend the recruiting service at Chillicothe, in the state of Ohio. While at Chillicothe, he enclosed on the 8th April, 1813, the sum of three hundred dollars in a letter, which he sent by the hands of sergeant George W. Prather to lieutenant Philip Price, then recruiting at Cincinnati, agreeably to the orders of colonel Miller to forward the money by the first safe opportunity. That sergeant Prather, who had been before employed by him on similar services, and had performed them punctually, broke open the letter containing the money; and, after robbing it of its contents, deserted from the service. That he advertised him immediately, with the number and description of the bills, but has never been able to procure his arrest, or to obtain any part of the money for himself or lieutenant Price.

The petitioner further states, that, being apprised of the necessity of forwarding the money without delay, and of the uncertain conveyance at that season of the year by mail, in consequence of high waters, he chose to send it by sergeant Prather, who had been highly recommended to him as an honest man, by an officer well acquainted with him. That having presented his account to the proper officer for settlement, he has been informed that this item cannot be allowed without legislative interference. He therefore prays Congress to pass a law directing the allowance to be made.

The principle involved in the decision of the claim, appears to the committee so well settled, that it would be almost superfluous at this time to add any thing with a view to its further exposition. It has long been a rule that officers who had the disbursement of public money should be answerable, not only for its correct application, but for its safe conveyance from one place to another. Colonel Mil-

ler ordered the petitioner to forward the money by the first safe opportunity. It may here be asked was the money so forwarded? No, it was confided to the hands of sergeant Prather, who deserted, took it with him, and has not since been heard of. This fact at once destroys the petitioner's claim to the remuneration he asks: it will not be improper to remark that the petitioner has adduced no proof of his having previously employed sergeant Prather to convey money from one place to another. Under every circumstance, therefore, the committee recommend that the prayer of the petitioner be rejected.